

Local Rule of Bankruptcy Procedure 2004. EXAMINATION.

(a) Motion and Notice

A motion for an examination under Fed. R. Bankr. P. 2004 must:

- (1) contain the following 10-day negative notice language:

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TEN (10) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS APPLICATION SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT ANY SCHEDULED HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

- (2) contain a certificate of conference tailored to one of the following three options:

- (A) reflects that the parties agreed to a date, time, and place for examination;
- (B) explains why the parties were unable to confer; or
- (C) explains that the parties conferred but could not reach an agreement.

- (3) describe the scope of examination;

- (4) itemize requested document categories;

- (5) provide a minimum of 15 days' written notice of the proposed examination date to the proposed examinee, the proposed examinee's counsel, the debtor's counsel, any trustee, any committee's counsel, and the United States Trustee; and

(6) attach a proposed order which contains the date, time, and location of the examination.

(b) Duration

Unless otherwise authorized by the Court or stipulated by the parties, an examination under Fed. R. Bankr. P. 2004 shall not exceed three (3) hours.

(c) Sanctions

The Court may impose sanctions if it finds that an examination request was unreasonably sought or resisted under Fed. R. Bankr. P. 2004 or LBR 2004.

(d) Exception

If a contested matter or an adversary proceeding is pending, then the adversary discovery rules govern, and Fed. R. Bankr. P. 2004 and LBR 2004 do not apply.